

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STANLEY JACKSON,

Plaintiff,

Case No. 1:08-cv-840

v.

Honorable Gordon J. Quist

JAMES ATTERBERRY et al.,

Defendants.

ORDER OF DISMISSAL

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. On September 18, 2008, the Court entered an order of deficiency (docket #6) because Plaintiff had failed to pay the \$350.00 civil action filing fee or to file the required financial affidavit and trust account statement as required by 28 U.S.C. § 1915(a)(2) to apply to proceed *in forma pauperis*. The Court allowed thirty days for Plaintiff to comply. Plaintiff was warned that if he failed to comply, the Court would presume that he was not proceeding *in forma pauperis*, assess the entire filing fee, and dismiss his case for want of prosecution.

More than thirty days have elapsed. Plaintiff failed to pay the \$350.00 civil action filing fee or to submit the requisite documents to apply to proceed *in forma pauperis*. Because Plaintiff has wholly failed to comply with the Court's order, dismissal of this action without prejudice for want of prosecution is appropriate. Therefore:

IT IS ORDERED that the captioned case be and hereby is DISMISSED without prejudice. Plaintiff shall remain liable for payment of the \$350.00 civil action filing fee.

Dated: November 24, 2008 /s/ Gordon J. Quist
Gordon J. Quist
United States District Judge